

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2004-315-T - ORDER NO. 2005-107
MARCH 11, 2005

IN RE: Rule to Show Cause against certain Motor)	ORDER REVOKING
Carriers holding Certificates of Public)	CERTIFICATES
Convenience and Necessity concerning)	
Failure to Comply with the Rules and)	
Regulations of this Commission Regarding)	
filing of Evidence of Insurance.)	

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of Commission Order No. 2004-559 in the instant Docket, which required all motor carriers listed in the Appendix thereof to appear before the Commission on Thursday, March 3, 2005, at 10:30 a.m. to show cause why the Commission should not revoke and cancel their Certificates of Public Convenience and Necessity (Certificates) for violation of the Commission's Rules and Regulations and/or the Motor Vehicle Carrier Law of South Carolina in respect of failure to file evidence of insurance.

The information upon which the Commission based Order No. 2004-559 was developed by what was then the Commission Transportation Department through a procedure involving periodic inspections of the Commission's files and records. From this data, the Commission Staff developed a list of motor carriers operating in violation

of the Commission's Rules and Regulations and/or the Motor Vehicle Carrier Law (Appendix of Order No. 2004-559).

The Commission issued Order No. 2004-559 setting a Rule to Show Cause hearing for those motor carriers who had not responded to the prior notifications of noncompliance.

The Transportation Department staff notified all of the carriers listed in the Appendix of Order No. 2004-559 that because of their failure to file evidence of liability and/or cargo insurance, they were not in compliance "with the terms of the Motor Vehicle Carrier Law of South Carolina, and the Rules and Regulations issued thereunder."

A public hearing regarding this matter was held on Thursday, March 3, 2005, at 10:30 a.m. C. Lessie Hammonds, Esquire, and Shannon B. Hudson, Esquire, represented the Office of Regulatory Staff (ORS). L. George Parker, Jr., Program Manager of the Transportation Department of the ORS, testified for the ORS. An updated compliance list was submitted by ORS which included those carriers which had not come into compliance prior to the hearing. Upon motion, the Commission accepted the amended list. ORS recommended that the certificates be revoked of carriers who remained out of compliance as of the issuance of this order, with the understanding that ORS would provide an updated compliance status for that purpose. ORS has now done so, by letter and attachment dated March 11, 2005. That attachment, entitled "List of Carriers Out of

Compliance as of March 11, 2005”, is attached hereto as an Appendix. No Respondents listed in the Appendix appeared at the hearing.

With respect to all the Respondents listed in the Appendix attached hereto, the Commission is of the opinion, and so finds, that the Certificates of Public Convenience and Necessity held by all listed carriers should be revoked and cancelled for their continued willful violation of the Commission’s Rules and Regulations and/or the South Carolina Vehicle Carrier Law [S.C. Code Ann. Section 58-23-10 et. seq. (1976)].

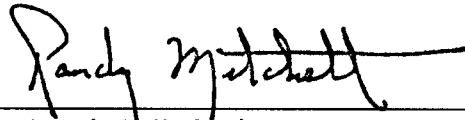
The Commission also finds that the Rule to Show Cause should be dismissed as to the carriers who have complied with the Commission’s Rules and Regulations and/or the Motor Vehicle Carrier Law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That the Certificates of Public Convenience and Necessity held by those motor vehicle carriers listed in the Appendix attached hereto be, and hereby are, revoked and cancelled.
2. That all operating rights authorized under the Certificates held by the carriers listed in the attached Appendix and cancelled by this Order are null and void.
3. That this Rule be, and hereby is, dismissed with respect to all carriers who have complied with the Commission’s Rules and Regulations and/or the Motor Vehicle Carrier Law.

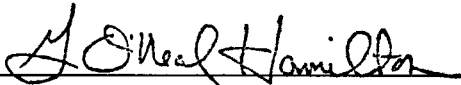
4. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

A handwritten signature in black ink, appearing to read "Randy Mitchell", written over a horizontal line.

Randy Mitchell, Chairman

ATTEST:

A handwritten signature in black ink, appearing to read "G. O'Neal Hamilton", written over a horizontal line.

G. O'Neal Hamilton, Vice Chairman

(SEAL)

LIST OF CARRIERS OUT OF COMPLIANCE AS OF MARCH 11, 2005

Carrier Name	Commissioner District	Carrier Name	Commissioner District
James McPherson, Jr. DBA McPherson's Transportation 2487 Wensley Drive Charleston SC 29414	1,6	Harry Clay Maple DBA Orangeburg Taxi P.O. Box 2034 Orangeburg, SC 29116	2,6
Richard J. Botto 1500 Cenith Drive F403 N. Myrtle Beach, SC 29582	1	Richard Clyburn & Doretha Tate DBA R&D Bus Service 110 Black Walnut Drive Summerville, SC 29483	1
Leslie B. Floyd DBA B-There Transportation 850 Tripe St. Charleston, SC 29407	1,6	Martin Alvarez DBA San Jose Taxi P.O. Box 103 Newberry, SC 29108	5
Thomas Dew DBA Thomas Dew's Taxi 238 E. Main St. Bennettsville, SC 29512	5	Benita C. Cruz DBA Transportaciones El Aquila 1892 Claude Counts Rd. Newberry, SC 29108	5
Huggins Limousine, LLC P.O. Box 264 Liberty Hill, SC 29074	5	Richard M. Goddard DBA Viva Tours & Travel P.O. Box 3898 Columbia, SC 29203	2,6
Raymond D. Jackson 413 Ferry St. Mt. Pleasant, SC 29464	1	J.R. Whitener 906 S. Main St. Clover, SC 29710	5
David Lee Jones, Jr. 410 Glendale Drive Florence, SC 29506	6	Albertus Wright 733 Maney St. Sumter, SC 29150	5,6
Audie McFadden 120 E. Elm Street, Apt. 6 Florence, SC 29506-5522	6		